RING *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 73-6969. Decided November 11, 1974

Where the Assistant United States Attorney prosecuting petitioner denied during the trial that two counts of a three-count indictment against the Government's chief witness involving the same events for which petitioner was convicted had been dropped in return for the witness' cooperation and testimony, but the United States Attorney's records indicated that the Assistant had agreed to drop two counts in return for a guilty plea to the third count, the Court of Appeals' judgment affirming petitioner's conviction is vacated and the case is remanded to that court so that if on the basis of Government documentation it is unable to decide whether the Assistant "failed to make any required disclosure," it can remand the case to the District Court for further proceedings.

Certiorari granted; — F. 2d —, vacated and remanded.

PER CURIAM.

Petitioner was convicted on one count of conspiracy to import cocaine in violation of 84 Stat. 1260, 21 U. S. C. § 841 (a)(1), and 84 Stat. 1285, 21 U. S. C. § 952 (a). At trial, the Government's chief witness against petitioner testified on direct examination by the Assistant United States Attorney that no promises had been made to her with respect to three counts of an indictment that had been returned against her involving the same events for which petitioner stands convicted. At the time this witness testified, she had pleaded guilty to one count of that indictment, a fact which she acknowledged. On cross-examination, she repeated her statement to the effect that no promises had been made to her. During summation, petitioner's counsel indicated that the two other counts against the witness had been dropped in return for her cooperation and testimony in petitioner's case.